

REMARKS

In item 4 of the Office Action dated December 18, 2008, claims 1, 4 and 7 were rejected as being anticipated by Tsutsui (6,049,517) without any comments. In a telephone conversation with the examiner on December 31, 2008, the examiner confirmed that the rejection of claims 1, 4 and 7 under Tsutsui was in error and should be ignored in this response.

In the Office Action, the Examiner rejects claims 1-4 and 6-10 as being unpatentable over Tauchi et al (US 2001/0036357, referred as Tauchi later) in view of Hirasawa (US 2001/0046231).

The features of the apparatus of claim 1 are a recording-mode-related section (110a) for selecting an AV data recording mode of operation from a DV-format mode and an MPEG-format mode, output data type designating means (110b) for designating a type of encoding about the AV data outputted by the outputting means (112d, 112e) among different types corresponding to the DV and MPEG encoding procedures respectively, first selecting means (SW2) for selecting one from the DV-format AV data and the MPEG-format AV data, fixed-pattern data generating means (112c) for generating AV data including either DV dummy data or MPEG dummy data, a first controller (111) for controlling the first selecting means (SW2) to select either the DV-format AV data or the MPEG-format AV data based on the selecting by the recording-mode-related section (110a), a second controller (111) for controlling the fixed-pattern data generating means (112c) to decide which of the DV dummy data and the MPEG dummy data the AV data generated by the fixed-pattern data generating means (112c) should include based on the encoding type selected by the output data type designating means (110b), deciding means (111) for deciding whether or not the encoding procedure related to the AV data selected by the first selecting means (SW2) corresponds to the encoding type designated by the output data type designating means (110b), second selecting means (SW3) for selecting one from the AV data selected by the first selecting means (SW2) and the AV data generated by the fixed-pattern data generating means (112c), and a third controller (111)

for controlling the second selecting means (SW3) to select the AV data generated by the fixed-pattern data generating means (112c) and including one of the DV dummy data and the MPEG dummy data which corresponds to the encoding type designated by the output data type designating means (110b) when the deciding means (111) decides that the encoding procedure related to the AV data selected by the first selecting means (SW2) does not correspond to the encoding type designated by the output data type designating means (110b).

Regarding recording-mode-related section (110a) in claim 1, the Examiner refers to element 21, Fig. 12; paragraphs [0102] and [0104] in Tauchi. The Examiner alleges that Tauchi discloses the recording-mode-related section (110a) in claim 1. As clearly indicated in Tauchi, element 21 is a magnetic tape on which data can be recorded. The recording-mode-related section (110a) in claim 1 is for selecting an AV data recording mode of operation from a DV-format mode and an MPEG-format mode. A general magnetic tape does not have such a selecting function. Therefore, the recording-mode-related section (110a) in claim 1 is distinguished from the magnetic tape 21 in Tauchi. Furthermore, Tauchi does not teach that an AV data recording mode of operation is selected from a DV-format mode and an MPEG-format mode. Accordingly, Tauchi does not disclose the recording-mode-related section (110a) in claim 1.

Regarding first controller (111) in claim 1, the Examiner refers to element 13, Fig. 12; paragraph [0102] in Tauchi. The Examiner alleges that Tauchi discloses the first controller (111) in claim 1. As indicated in paragraph [0102] of Tauchi, a controller 13 controls a switch 63 to select either an output from the MPEG recording-signal processor 61 or an output from the DV recording-signal processor 62. The first controller (111) in claim 1 is for controlling the first selecting means (SW2) to select either the DV-format AV data or the MPEG-format AV data based on the selecting by the recording-mode-related section (110a). Tauchi does not teach that the control of the switch 63 by the controller 13 is based on a selecting action equivalent to the selecting by the recording-mode-related section (110a) in claim 1. Thus, the first controller (111) in claim 1 is distinguished from

the controller 13 in Tauchi. Accordingly, Tauchi does not disclose the first controller (111) in claim 1.

As for deciding means (111) in claim 1, the Examiner refers to element 81, Fig. 13; paragraphs [0109] and [0110] in Tauchi. The Examiner alleges that Tauchi discloses the deciding means (111) in claim 1. As indicated in Fig. 13 and paragraphs [0109] and [0110] of Tauchi, an ID detector 81 responds to the output from the demodulator 43, and thereby recognizes that data which is being read is HD video signal data or SD video signal data. When HD video signal data is being read, the ID detector 81 controls the switch 82 to allow a 25-24 converter 45 to supply its output to an MPEG-recoding-signal processor 83. When SD video signal data is being read, the ID detector 81 controls the switch 82 to allow the 25-24 converter 45 to supply its output to a consumer-DV-read-signal processor 84. Accordingly, it is thought that the ID detector 81 decides whether data which is being read is HD video signal data or SD video signal data. On the other hand, the deciding means (111) in claim 1 is for deciding whether or not the encoding procedure related to the AV data selected by the first selecting means (SW2) corresponds to the encoding type designated by the output data type designating means (110b). Thus, the deciding means (111) in claim 1 is distinguished from the ID detector 81 in Tauchi. Therefore, Tauchi does not disclose the deciding means (111) in claim 1.

Regarding fixed-pattern data generating means (112c) in claim 1, the Examiner refers to element 203, Fig. 2; paragraph [0033], lines 13-17 in Hirasawa. The Examiner alleges that Hirasawa teaches the fixed-pattern data generating means (112c) in claim 1. As indicated in paragraph [0033] in Hirasawa, a dummy packet generating part 203 is for generating an isochronous packet including dummy data. The fixed-pattern data generating means (112c) in claim 1 is for generating AV data including either DV dummy data or MPEG dummy data. Thus, in claim 1, the dummy data in the generated AV data is of the DV format or the MPEG format. Hirasawa thus fails to teach that the dummy data in the generated isochronous packet is of the DV format or the MPEG format. Therefore, the fixed-pattern data generating means (112c) in claim 1 is distinguished from the dummy

packet generating part 203 in Hirasawa. Accordingly, Hirasawa does not teach the fixed-pattern data generating means (112c) in claim 1.

Regarding a second controller (111) in claim 1, the Examiner refers to element 205, Fig. 2; paragraph [0033], lines 20-21 in Hirasawa. The Examiner alleges that Hirasawa teaches the second controller (111) in claim 1. As indicated in paragraph [0033] of Hirasawa, a control part 205 controls a selection part 204 to select and output either the isochronous packet or the dummy packet. As indicated in Fig. 5 and related description of Hirasawa, the control part 205a operates to implement the permission or the prohibition of the relaying of the isochronous packet from the segment A to the segment B in accordance with the list in the memory 206. At the step S508 of Fig. 5, the control part 205 prohibits the relaying of the isochronous packet, and controls the selection part 204 to supply the dummy packet. The step S508 is executed if the step S504 detects a command to prohibit the relaying or the step S507 detects, in the list of Fig. 6(B), a command to prohibit the relaying. On the other hand, the second controller (111) in claim 1 is for controlling the fixed-pattern data generating means (112c) to decide which of the DV dummy data and the MPEG dummy data the AV data generated by the fixed-pattern data generating means (112c) should include based on the encoding type selected by the output data type designating means (110b). The control part 205 in Hirasawa therefore does not operate for controlling the fixed-pattern data generating means to decide which of the DV dummy data and the MPEG dummy data the AV data generated by the fixed-pattern data generating means should include. Furthermore, the control part 205 in Hirasawa does not respond to the encoding type selected by the output data type designating means. Thus, the second controller (111) in claim 1 is distinguished from the control part 205 in Hirasawa. Therefore, Hirasawa does not teach the second controller (111) in claim 1.

Regarding a third controller (111) in claim 1, the Examiner refers to element 205, Fig. 2; paragraphs [0033] and [0036] in Hirasawa. The Examiner alleges that Hirasawa teaches the third controller (111) in claim 1. As previously mentioned, the control part 205

in Hirasawa controls the selection part 204 to select and output either the isochronous packet or the dummy packet. The control part 205a operates to implement the permission or the prohibition of the relaying of the isochronous packet from the segment A to the segment B in accordance with the list in the memory 206. On the other hand, the third controller (111) in claim 1 is for controlling the second selecting means (SW3) to select the AV data generated by the fixed-pattern data generating means (112c) and including one of the DV dummy data and the MPEG dummy data which corresponds to the encoding type designated by the output data type designating means (110b) when the deciding means (111) decides that the encoding procedure related to the AV data selected by the first selecting means (SW2) does not correspond to the encoding type designated by the output data type designating means (110b). Thus, the operation of the third controller (111) responds to the result of the decision by the deciding means (111), that is, the decision as to whether or not the encoding procedure related to the AV data selected by the first selecting means (SW2) corresponds to the encoding type designated by the output data type designating means (110b). Therefore, the control part 205 in Hirasawa does not respond to the result of the decision as to whether or not the encoding procedure related to the AV data selected by the first selecting means corresponds to the encoding type designated by the output data type designating means. Thus, the third controller (111) in claim 1 is distinguished from the control part 205 in Hirasawa. Hirasawa therefore does not teach the third controller (111) in claim 1.

It is submitted that Examiner's reasoning for the prior-art rejection to claim 1 is without merit as mentioned above, and that the whole of the above-mentioned features of the apparatus of claim 1 is disclosed in neither Tauchi nor Hirasawa, and therefore could not be taught by the combination of Tauchi and Hirasawa. It is therefore submitted that claim 1 is patentable over Tauchi and Hirasawa.

Claims 2, 3, 4, and 6 depending from claim 1 are submitted to be patentable also over the cited prior art.

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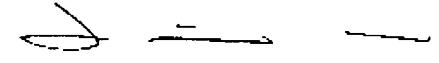
Claim 7 has subject matter similar to that of claim 1. Therefore, claim 7 is submitted to be patentable also over the cited prior art.

Claims 8 and 9 have limitations corresponding to the above-mentioned features of the apparatus of claim 1. Therefore, claims 8 and 9 are believed to be patentable over the cited prior art.

Claim 10 depends from claim 9. Therefore, claim 10 is also patentable over the cited prior art.

In view of the foregoing, the examiner is respectfully requested to reconsider the application and pass the same to issue at an early date.

Respectfully submitted,



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